

**REMARKS AND REQUEST FOR
CORRESPONDING TERM EXTENSION:**

5 The SEQUENCE LISTING (of SEQ ID NO 1, SEQ ID NO 2, and SEQ ID
NO 3) provided herewith, generated by PatentIn version 3.3 in ASCII form and provided
on CD-ROM, is identical to that shown in FIGs. 2 – 4 of the application and to the
written, paper copies attached hereto and provided herewith, and does not include any
new matter.

10 This is a resubmission of the same Amendment, Sequence Listing AND
CD-ROM previously submitted to the U.S. Patent and Trademark Office on January 12,
2004 and received by the U.S. Patent and Trademark Office on January 15, 2004, as
shown on the attached post card receipt. In addition, a status inquiry was submitted via
facsimile on February 10, 2005, requesting information concerning the delayed status of
this case. The patent office did not provide any response to the inquiry. As a
15 consequence, the Applicants will and hereby do request a *corresponding term extension*
for any allowed patent, due to the loss or mishandling by the patent office of the
previously submitted papers and the non-responsiveness of the patent office to the status
inquiry.

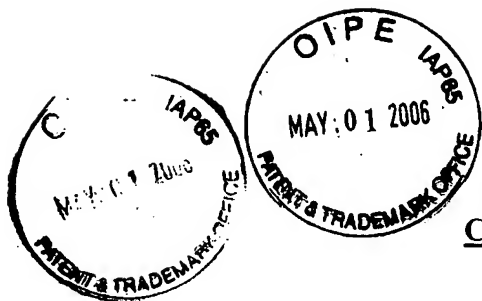
20 In addition, for any issues or concerns, the Examiner is invited to call the
attorney for the applicant at the telephone number provided below.

Respectfully,



25 Date: April 26, 2006

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Preliminary Amendment
S/N 10/637,159

CERTIFICATE OF MAILING

I hereby certify that the foregoing PRELIMINARY AMENDMENT
5 REMARKS, AND REQUEST FOR CORRESPONDING TERM EXTENSION (5
pages), SEQUENCE LISTING (5 pages), CD ROM INCLUDING SEQUENCE
LISTING, NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES (Confirmation Number 2929) (2 pages); TRANSMITTAL
10 (PTO/SB/21) (1 page), PETITION FOR EXTENSION OF TIME (PTO/SB/22) (1 page),
FEE TRANSMITTAL (PTO/SB/17) (1 page), Check No. 1117 in the amount of \$225,
and POST CARD RECEIPT, for J. Mark Weber et al., U.S Patent Application Serial No.
10/637,159, entitled "Process of Increasing Cellular Production of Biologically Active
Compounds", have been deposited in the United States Mail, First Class postage prepaid,
15 addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on April 26, 2006.

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